

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 209

SENATE BILL 1016

AN ACT

AMENDING SECTION 13-1419, ARIZONA REVISED STATUTES; RELATING TO SEXUAL
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1419, Arizona Revised Statutes, is amended to
3 read:

4 13-1419. Unlawful sexual conduct; correctional facilities;
5 classification; definition

6 A. A person commits unlawful sexual conduct by INTENTIONALLY OR
7 KNOWINGLY engaging in any act of a sexual nature with an offender who is in
8 the custody of the state department of corrections, the department of
9 juvenile corrections, a private prison facility or a city or county jail or
10 with an offender who is under the supervision of either department or a city
11 or county. For the purposes of this subsection, "person" means a person who:

12 1. Is employed by the state department of corrections or the
13 department of juvenile corrections.

14 2. Is employed by a private prison facility or a city or county jail.

15 3. Contracts to provide services with the state department of
16 corrections, the department of juvenile corrections, a private prison
17 facility or a city or county jail.

18 4. Is an official visitor, volunteer or agency representative of the
19 state department of corrections, the department of juvenile corrections, a
20 private prison facility or a city or county jail.

21 B. This section does not apply to a person who is employed by the
22 state department of corrections, a private prison facility or a city or
23 county jail or who contracts to provide services with the state department of
24 corrections, a private prison facility or a city or county jail or an
25 offender who is on release status if the person was lawfully married to the
26 prisoner or offender on release status before the prisoner or offender was
27 sentenced to the state department of corrections or was incarcerated in a
28 city or county jail.

29 C. Unlawful sexual conduct with an offender WHO IS under fifteen years
30 of age is a class 2 felony. Unlawful sexual conduct with an offender WHO IS
31 between fifteen and seventeen years of age is a class 3 felony. All other
32 unlawful sexual conduct is a class 5 felony.

33 D. For the purposes of this section, "any act of a sexual nature":

34 1. Includes the following:

35 (a) Any completed, attempted, threatened or requested touching of the
36 genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the
37 intent to arouse or gratify sexual desire.

38 (b) Any act of exposing the genitalia, anus, groin, breast, inner
39 thigh, pubic area or buttocks with the intent to arouse or gratify sexual
40 desire.

41 (c) Any act of photographing, videotaping, filming, digitally
42 recording or otherwise viewing, with or without a device, a prisoner or
43 offender with the intent to arouse or gratify sexual desire, either:

1 (i) While the prisoner or offender is in a state of undress or partial
2 dress.

3 (ii) While the prisoner or offender is urinating or defecating.

4 2. Does not include an act done pursuant to a bona fide medical exam
5 or lawful internal search.

APPROVED BY THE GOVERNOR MAY 15, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2008.